

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF

UNITED STATES OF AMERICA

DEFENDANT

James E. Whitley & Charity A. Whitley
 NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
SERVE AT VENANGO County Courthouse
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

COURT CASE NUMBER

105-CV-00081

TYPE OF PROCESS

Bidding Instructions

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

Number of process to be served with this Form 285

JONES, GREGG, CREEHAN & GERACE, LLP
 411 SEVENTH AVENUE, SUITE 1200
 PITTSBURGH, PA 15219

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Please attend the U.S. Marshals Sale scheduled for March 20, 2006 at 10:30 AM. Open the bidding at \$15,312.00. Note below the successful bidder's name, address, telephone number and the amount of the bid.

Fold

Signature of Attorney, other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
<u>Kimberly L. Shrame</u>	<input type="checkbox"/> PARALEGAL	412-261-6400	<u>3-20-06</u>

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>68</u>	District to Serve No. <u>64</u>	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above. (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
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Address (complete only different than shown above)	Date <u>3/20/06</u>	Time <u>12:00</u> <input type="checkbox"/> am <input checked="" type="checkbox"/> pm
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Signature of U.S. Marshal or Deputy

Service Fee <u>\$135.00</u>	Total Mileage Charges including endorsements <u>\$57.85</u>	Forwarding Fee <u>\$20.00</u>	Total Charges <u>\$202.85</u>	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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REMARKS: SOLD TO: Blue Sky a Pennsylvania general Partnership TELEPHONE NO.: 814-894-2471
 ADDRESS: 360 North Park St.
 CITY, STATE & ZIP: Sykesville PA 15863 SALE PRICE: \$ 24,100 DEPOSIT AS OF DATE: \$ 3,000

PRINT COPIES: 1. CLERK OF THE COURT

PRIOR EDITIONS MAY BE USED

2. USMS RECORD

3. NOTICE OF SERVICE

4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.

5. ACKNOWLEDGMENT OF RECEIPT

MARSHALS SALE: By virtue of a Writ of Execution issued out of the United States Court for the Western District of Pennsylvania and to me directed, I shall expose the following real property to public sale **AT THE VENANGO COUNTY COURTHOUSE, MAIN HALLWAY, ON MARCH 20, 2006, AT 10:30 a.m., 1168 LIBERTY STREET, FRANKLIN, PENNSYLVANIA 16323.** Said hereinafter described property is located at 219 Rocca Way, Franklin, Pennsylvania 16323, being more fully described as follows:

See attached legal description.

All those certain tracts of land, together with the buildings, and improvements erected thereon, described in Book 4, Page 904, in the Office of the Recorder of Deeds, Venango County, Pennsylvania. Seized and taken in execution as the property of James E. Whitley, Jr. and Charity A. Whitley at the suit of *The United States of America v. James E. Whitley, Jr. and Charity A. Whitley* to be sold on Writ of Execution at Case No. 1:05-cv-00081. TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps and stamps required by the local taxing authority. Marshal's costs, fees and commissions will be the responsibility of the seller. On behalf of the U.S. Marshals Service, we are allowing the highest bidder to secure, by official bank check or money order, ten percent (10%) of the highest bid amount within one hour of the conclusion of the sale.

Additional information can be obtained through the USDA's property foreclosure website at www.resales.usda.gov.

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Borough of Sugarcreek (formerly Township), Venango County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northeasterly line of Rocca Way as the same is shown on that certain revised plan of lots labeled "Sub-division Plan, Grantland Park, Sugarcreek Township", which said plan was prepared by Russell E. Hart, R.P.E., under date of May 9, 1961, for Cokain and McClelland and which said plan was recorded in the Recorder's Office in said County on May 19, 1961, in Map Book 3 at page 268, said point being the common point on the northeasterly line of Rocca Way of Lot 55 and Lot 56 on said plan; thence North forty-seven degrees, forty-five minutes East ($N 47^\circ 45' E$) along the northeasterly line of said Rocca Way, sixty-five (65) feet to the common point of Lot 54 and Lot 55 on said plan; thence North forty-two degrees, fifteen minutes east ($N 42^\circ 15' E$) along the line between Lot 54 and Lot 55 on said plan, one hundred twenty-five (125) feet to the most easterly corner of Lot 54 and the most northerly corner of Lot 55 on said plan; thence South forty-seven degrees, forty-five minutes East ($S 47^\circ 45' E$), sixty-five (65) feet to the most easterly corner of Lot 55 and the most northerly corner of Lot 56 on said plan; thence South forty-five degrees, fifteen minutes West ($S 42^\circ 15' W$) along the line between Lot 55 and Lot 56 on said plan, one hundred twenty-five (125) feet to the place of beginning.

BEING Lot No. 55 as said lot is laid out on said plan hereinabove mentioned and recited.

BEING, AND INTENDED TO BE, the same premises conveyed by Dorothy C. Stoltenburg, unremarried widow, to James E. Whitley, Jr., and Charity A. Whitley, his wife, by Deed dated March, 1994, recorded contemporaneously herewith.

UNDER AND SUBJECT, HOWEVER, the following reservation as set forth in the Deed from Harry L. Cokain, et ux., et al., to Glen C. Stoltenburg, et ux., recorded in Venango County Deed Book 652, Page 337:

"1. A way and right-of-way to construct, install, lay, erect, maintain, replace and remove at any time and from time to time pipe lines and other conduits to conduct gas, water and/or sewage and also a right-of-way for wire, lines and poles for the transmission of electricity, telephone messages and television program signals, including the right to construct, erect, operate, repair and maintain said wires, lines, poles, anchor and guy lines, and other accessories, apparatus and equipment incidental to, or necessary for, said purposes."

SUBJECT, HOWEVER, the exception and reservation of all the oil and gas in and under the same but without the right to enter upon the surface to drill or operate for said oil or gas;

PROVIDED, HOWEVER, that the said Denison W. Grant, his heirs and assigns, shall have the right to produce the oil and gas under said restricted area by the Ranney or horizontal method or by any other method so long as the same does not interfere with the surface of said restricted area, as such oil and gas are reserved and the conditions for drilling are contained in the deed from Denison W. Grant, et al., to Wolf's head Oil Refining Company, Inc., dated November 1, 1947 and recorded as aforesaid in Deed Book No. 51, Page 9.

The above-described premises known as Lot No. 55 on the Grantland Park Plan of Lots is subject to those utility line rights-of-way, building line setbacks, and other restrictions and conditions as set forth on said Plan of Lots as duly filed of record in Venango County Map Cabinet 1-81 (Map ID 268).